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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,186	10/25/2001	Gary E. Jones	BOEI-1-1011	4190

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EXAMINER

PIASCIK, SUSAN L

ART UNIT

PAPER NUMBER

3643

DATE MAILED: 06/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/047,186

Applicant(s)

JONES, GARY E.

Examiner

Susan L Piascik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 March 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but the Examiner still maintains that the Stephan et al. reference teaches the Applicant's claimed invention. The rejections have been modified to more specifically point out the teachings of Stephan et al. as compared to the Applicant's invention.

The Examiner disagrees with the Applicant's argument that the Stephan et al. reference fails to teach the inner window frame to be secured to the sidewall with a first deformable mechanism. The disclosure states "two snap fastenings 13 serve for the detachable connection of the window unit W to the side-wall panel 6 "(col 4, lines 46-48). The Applicant also argues that the Stephan et al. reference uses screw-type brackets, etc. to attach the inner window frame to the sidewall. However, since the Applicant's claim only requires a deformable mechanism to attach the frame to the sidewall, the Examiner believes the reference meets this limitation. If the Applicant wishes to specify that the assembly *only* uses the deformable mechanisms as means for attachment, the claims should be written more concisely, with claim language that excludes the possibility of other means being used.

In response to the Applicant's argument that there is no suggestion to combine the Stephan et al and Wakefield references, the Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. *In re Nomiya*, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the

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combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. In *re McLaughlin*, 170 USPQ 209 (CCPA 1971). References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. *In re Bozek*, 163 USPQ 545 (CCPA 1969). The Stephan et al. reference teaches a means of locking/unlocking the window assembly with the use of a hexagonal socket. Therefore, the Examiner was merely substituting an alternate means (pawl latch) of locking the window assembly instead of the locking socket mechanism disclosed by Stephan et al. Latches, such as the one taught by Wakefield, are well known in the art of aircraft doors and windows as an easy means of locking/unlocking openings.

The Examiner maintains that the Applicant's invention lacks novelty in lights of the prior art of record. Please see the modified rejections below.

Drawings

The corrected or substitute drawings were received on 3/27/2003. These drawings are accepted by the Examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7-13 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Stephan et al.

In regards to **claim 1**, Stephan et al. teach a releasable snap-in window assembly (W) for an aircraft having a sidewall (6) with an inner perimeter that defines an opening (7). The assembly is comprised of an inner window frame (1) attachable to the sidewall (6) adjacent to the inner perimeter by at least one first deformable mechanism (13) tensionably securing a shaped flange (unnumbered) of the inner window frame (1) to the sidewall (6). The inner window frame defines (1) a first opening. An outer window frame (3) is attached to the inner window frame (1) adjacent to the first opening by at least one second deformable mechanism (31) tensionably securing the outer window frame (3) to the inner window frame (1). The outer window frame (3) defines a second opening.

Regarding **claim 2**, Stephan et al. teach a window assembly wherein the first deformable mechanism (13) is a deformable flange secured to the sidewall. See Figure 8. The deformable flange tensionably engages the shaped flange of the inner window frame (1).

In regards to **claim 3**, Stephan et al. teach a window assembly wherein the deformable flange is formed in the shape of a hook (24) to engage the shaped flange. See Figure 8.

Regarding **claim 4**, Stephan et al. teach a window assembly wherein the first deformable mechanism includes at least one spring clip (23) mounted on an outer surface of the sidewall for tensionably securing the inner window frame (1) to the sidewall (6).

In regards to **claim 7**, Stephan et al. teach a window assembly wherein a second deformable mechanism for tensionably securing the outer window frame (3) to the inner window frame (1) includes at least one fastening clip (30).

Regarding **claim 8**, Stephan et al. teach a window assembly wherein the fastening clip (31) includes a snap fastener releasably secured to an accommodating protrusion on the outer

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window frame (3) and that further snaps over a perimeter of the inner window frame (1). See Figure 11.

In regards to **claim 9**, Stephan et al. teach a window assembly (W) wherein the sidewall is a removable sidewall (6).

In regards to **claim 10**, Stephan et al. teach a method of releasably coupling a snap-in window assembly to a sidewall of an aircraft, the method comprising:

- Attaching an inner window frame (1) to the sidewall (6) adjacent to an inner perimeter by securing a shaped flange of the inner window frame (1) to the sidewall (6) with at least one first deformable mechanism (13) tensionably securing a shaped flange of the inner window frame (1) to the sidewall (6), the inner window frame (1) defining a first opening;
- Attaching an outer window frame (3) readily attachable to the inner window frame (1) adjacent the first opening, by securing the outer window frame (3) to the inner window frame (1) with at least one second deformable mechanism (31) tensionably securing the outer window frame (3) to the inner window frame (1).

Regarding **claim 11**, Stephan et al. teach a method wherein the first deformable mechanism (13) is a deformable flange secured to the outer surface of sidewall (6). See Figure 8. The deformable flange tensionably engages the shaped flange of the inner window frame (1).

In regards to **claim 12**, Stephan et al. teach a method wherein the deformable flange is formed in the shape of a hook (24) to engage the shaped flange. See Figure 8.

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Regarding **claim 13**, Stephan et al. teach a method wherein the first deformable mechanism includes at least one spring clip (23) mounted on an outer surface of the sidewall for tensionably securing the inner window frame (1) to the sidewall (6).

In regards to **claim 16**, Stephan et al. teach a method wherein the second deformable mechanism for tensionably securing the outer window frame (3) to the inner window frame (1) includes at least one fastening clip (30).

Regarding **claim 17**, Stephan et al. teach a method wherein the fastening clip (31) includes a snap fastener releasably secured to an accommodating protrusion on the outer window frame (3) and that further snaps over a perimeter of the inner window frame (1). See Figure 11.

In regards to **claim 18**, Stephan et al. teach a method wherein the sidewall is a removable sidewall (6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-6, 14-15 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephan et al. in view of Wakefield.

In regards to **claim 5**, Stephan et al. teach the claimed invention except for specifying the releasable coupling means to further include a pawl latch mechanism. Stephan et al. teach a means (25) of locking/unlocking (see column 6, lines 1-30) the releasable coupling means (13)

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that could be substituted with a pawl latch. It is well known in the art of releasable window mechanisms to use arm latch apparatus to disconnect the window from the sidewall portions of the airplane. Wakefield shows this feature in U.S. Patent No. 3,050,790. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the window structure disclosed by Stephan et al., to include a pawl latch mechanism, as shown by Wakefield, in order to provide an easy method of releasing the window from the side wall panel of the aircraft.

Regarding **claim 6**, Stephan et al., as modified, teach a window assembly wherein the pawl latch mechanism further comprises engaging the shaped flange along one or more index points to couple and decouple the window assembly from the outer sidewall. See Wakefield column 3, lines 5-22.

In regards to **claim 14**, Stephan et al. teach the claimed method except for specifying the releasable coupling means to further include a pawl latch mechanism. Stephan et al. teach a means (25) of locking/unlocking (see column 6, lines 1-30) the releasable coupling means (13) that could be substituted with a pawl latch. It is well known in the art of releasable window mechanisms to use arm latch apparatus to disconnect the window from the sidewall portions of the airplane. Wakefield shows this feature in U.S. Patent No. 3,050,790. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the method disclosed by Stephan et al., to include a pawl latch mechanism, as shown by Wakefield, in order to provide an easy method of releasing the window from the side wall panel of the aircraft.

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Regarding **claim 15**, Stephan et al., as modified, teach a method wherein the pawl latch mechanism further comprises engaging the shaped flange along one or more index points to couple and decouple the window assembly from the outer sidewall. See Wakefield column 3, lines 5-22.

In regards to **claim 19**, Stephan et al. teach a snap-in window assembly (W) for an aircraft having a sidewall (6) with an inner perimeter that defines an opening (7). The assembly is comprised of an inner window frame (1) attachable to the sidewall (6) adjacent to the inner perimeter by at least one first deformable mechanism (13) tensionably securing a shaped flange (unnumbered) of the inner window frame (1) to the sidewall (6). The inner window frame defines (1) a first opening. An outer window frame (3) is attached to the inner window frame (1) adjacent to the first opening by at least one second deformable mechanism (31) tensionably securing the outer window frame (3) to the inner window frame (1). The outer window frame (3) defines a second opening. Stephan et al. also teach a means (13) for releasably coupling the outer window frame (3) and the inner window frame (1) with the first opening of the inner window frame (1), wherein the releasably coupling means includes a shaped flange of the inner window frame attached to the outer sidewall by one or more spring clips (23) and coupled to a hook shaped deformable flange (24) of the outer window frame (3). Stephan et al. fail to teach a pawl latch mechanism. Stephan et al. teach a means (25) of locking/unlocking (see column 6, lines 1-30) the releasable coupling means (13) that could be substituted with a pawl latch. It is well known in the art of releasable window mechanisms to use arm latch apparatus to disconnect the window from the sidewall portions of the airplane. Wakefield shows this feature in U.S. Patent No. 3,050,790. Therefore, it would have been obvious to one having ordinary skill in the

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art at the time of the invention to modify the window structure disclosed by Stephan et al., to include a pawl latch mechanism, as shown by Wakefield, in order to provide an easy method of releasing the window from the side wall panel of the aircraft.

In regards to **claim 20**, Stephan et al., as modified, teach a window assembly (W) wherein the sidewall is a removable sidewall (6).

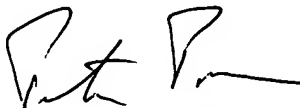
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan L Piascik whose telephone number is (703)305-0299. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (703)308-2574. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-7687 for regular communications and (703)305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-7687.

slp
June 23, 2003


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